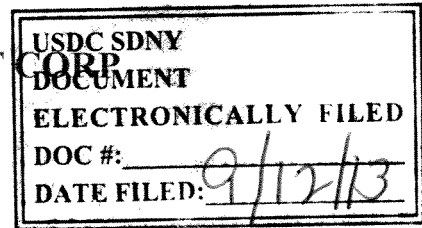


**JAHAN REALTY MANAGEMENT**  
629 EAST DRINKER STREET  
LOWER LEVEL  
DUNMORE, PA 18512  
OFFICE: 570-955-0049  
FAX: 570-955-0236



September 4, 2013

Via Overnight Certified Mail

United States District Court for the Southern District of New York  
500 Pearl Street  
New York, NY 10007-1312

**RE: In re Nissan Radiator/Transmission Cooler Litigation**  
**10-CV-7493 (VB)**

A handwritten signature in cursive script that reads "Objection".

Honorable Vincent L. Briccetti:

This letter serves as my objection to the proposed settlement.

I bought my Xterra on November 11, 2005. I also bought a Gold Preferred warranty that was supposed to provide 10 years or 100,000 miles coverage. Since February 2013, my car began to stall and skid on the highway, but I had no idea why. My mechanics thought it was a problem with the brakes, but after replacing my brakes the problem did not go away. I took the car back to my mechanic again, and it was then that the mechanic said he found a problem that the transmission oil is going to the radiator, that he could not fix it, and that I had to take my car to the Nissan dealership. Due to work and overseas travel, I had no time to take the car for servicing until I took it to Tom Hesser Nissan in Scranton, Pennsylvania on June 25, 2013.

The mechanic at Tom Hesser Nissan said the problem was there was transmission oil leaking into the radiator. I was informed that I would have to pay \$2,500 as a co-pay to fix this problem. I was shocked. This defect was not my fault. In addition, with my warranty, I was astonished that this was not a problem that Nissan should automatically repair. After I called 1-800-Nissan1, I was informed that this was a recall item, and that I had to contact Nissan headquarters for further attention. I did not become aware of this class action lawsuit until I saw it on the mechanic shop's website. I did not know anything about joining since the mechanic only stated that I had to deal with Nissan headquarters for my claim. I did not understand how it affected me until my daughter visited a couple days ago from the date of this letter.

Though the help of my daughter, who is a recent law school graduate, she told me that the proposed settlement says that Nissan will get out of its obligation to fix the problem it created by capping its obligation to repair at no cost to the customer at a certain number of miles, and that any car over those miles, would mean the owner of the car would have to pay out-of-pocket for the repair. This is not right, and it is not fair. This is a recall item; Nissan should fix this

problem at no cost to me. I cannot drive the car because of its defective condition, and because of my fear that the car might harm myself, my family, or someone else on the road.

All I want is for Nissan to fix the defect it created without charging the loyal customers who bought the car and supported the company in the first place!

Sincerely,



Max Tabat  
JAHAN REALTY MANAGEMENT CORP.

Enclosed:

Copy of Santore Auto Repair brakes replacement.  
Copy of Tom Hesser Nissan statement for \$2,500.  
Total pages plus letter: 4 pages.

# Senatore

## AUTO REPAIR

315 EAST DRINKER STREET

DUNMORE, PA 18512

PHONE: (570) 344-9301

FAX: (570) 344-0398

"SERVICE AND REPAIR AT A PRICE THAT'S FAIR"

BRAKES - SHOCKS - STRUTS - FRONT END PARTS  
DIAGNOSTICS - TUNE-UPS - A/C & HEATING - EXHAUST  
SYSTEMS - STATE INSPECTION and EMISSIONS

CUSTOMER \_\_\_\_\_

DATE 6.13

ADDRESS \_\_\_\_\_

PHONE: (HOME) \_\_\_\_\_

(WORK) \_\_\_\_\_

|             |         |            |             |        |         |        |    |    |       |
|-------------|---------|------------|-------------|--------|---------|--------|----|----|-------|
| YEAR        | MAKE    | MODEL      | PLATE #     | COLOR  | MILEAGE | ENGINE | LF | RR | TIRES |
|             | Nissan  | Xterra     |             | Silver |         |        |    |    |       |
| EMISSIONS # | STATE # | BODY STYLE | OLD MILEAGE | VTN #  |         |        |    |    |       |

|                    |           |          |
|--------------------|-----------|----------|
| INSURANCE CO. NAME | EXP. DATE | POLICY # |
|                    |           |          |

| QTY.  | PART # | DESCRIPTION  | TOTAL    |
|---|--------|--------------|----------|
|   |        | Inspection   |          |
|   |        | Emissions    | 60.00    |
|   |        | Front Brakes | Warranty |
|   |        | Front Rotors |          |
|   |        | Labor        | 1200.00  |
|   |        | Rear brakes  | Warranty |
|   |        | Rear Rotors  |          |
|   |        | Labor        | 1200.00  |
| ALL RETURN WORK AND PARTS MUST BE ACCOMPANIED BY THIS RECEIPT!! |        |              |          |
| CASH  | CHECK  | MASTER CARD  | VISA     |
|   |        |              |          |
| TAX   |        |              |          |

RECEIVED \_\_\_\_\_

DATE \_\_\_\_\_

TOTAL CHARGES

300.00

Thank you for your business!

## XTERRA MECHANIC INVOICES RE TRANSMISSION 001.jpg

CUSTOMER #: 57361F

488-3356838  
252  
9414 AS  
CR 2806212W  
5303  
\*INVOICE\*



Tom Hesser NISSAN  
25 Lackawanna Ave. Scranton, PA 18509  
(570) 558-2000 (866) 950-2277  
www.tomhesser.com

a Tom Hesser Auto Group Company



MAX TABAT  
SUMMIT BY THE LK  
SCRANTON, PA 18505

PAGE 1

HOME: 570-351-1300 CONT: 570-351-1300

BUS:

CELL: 570-351-1300

SERVICE ADVISOR: 90459 SHAUN SLAYTON

| COLOR | YEAR | MAKE/MODEL    | VIN               | LICENSE | MILEAGE IN / OUT | TAG   |
|-------|------|---------------|-------------------|---------|------------------|-------|
|       | 05   | NISSAN XTERRA | 5N1AN08W95C657122 |         | 87182/87182      | 02189 |

| DEL. DATE | PROD. DATE | WARR. EXP | PROMISED | PO NO. | RATE | PAYMENT | INV. DATE |
|-----------|------------|-----------|----------|--------|------|---------|-----------|
|-----------|------------|-----------|----------|--------|------|---------|-----------|

|            |  |  |               |  |       |      |         |
|------------|--|--|---------------|--|-------|------|---------|
| 30JAN06 DD |  |  | 16:30 25JUN13 |  | 84.00 | CASH | 25JUN13 |
|------------|--|--|---------------|--|-------|------|---------|

| R.O. OPENED | READY | OPTIONS: |
|-------------|-------|----------|
|-------------|-------|----------|

DLR:3869 ENG:4.0\_Liter\_Gas

08:31 25JUN13 09:18 25JUN13

| LINE | OPCODE | TECH | TYPE | HOURS | LIST | NET | TOTAL |
|------|--------|------|------|-------|------|-----|-------|
|------|--------|------|------|-------|------|-----|-------|

A CUSTOMER STATES STALLING OUT

10 TECH FOUND CROSS CONTAMINATION BETWEEN TRANS  
AND RADIATOR, CUST FALLS IN COPAY LEVEL OF  
\$2500.00, CUST DECLINED REPAIR AT THIS TIME

3375 C 0.00 0.00 0.00 0.00 0.00 0.00

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE A: 0.00

\*\*\*\*\*

B FREE 27 POINT CHECK A \$29.95 VALUE

55NIZINSP FREE 27 POINT CHECK A \$29.95 VALUE

3375 C 0.00 0.00 0.00 0.00 0.00 0.00

PARTS: 0.00 LABOR: 0.00 OTHER: 0.00 TOTAL LINE B: 0.00

\*\*\*\*\*

Consumer Affairs: 800-NISSAN1

6477261

JAHAM

ON BEHALF OF SERVING DEALER, I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREON IS ACCURATE UNLESS OTHERWISE SHOWN. SERVICES DESCRIBED WERE PERFORMED AT NO CHARGE TO OWNER. THERE WAS NO INDICATION FROM THE APPEARANCE OF THE VEHICLE OR OTHERWISE, THAT ANY PART REPAIRED OR REPLACED UNDER THIS CLAIM HAD BEEN CONNECTED IN ANY WAY WITH ANY ACCIDENT, NEGLIGENCE OR MISUSE. RECORDS SUPPORTING THIS CLAIM ARE AVAILABLE FOR 171 YEAR FROM THE DATE OF PAYMENT NOTIFICATION AT THE SERVING DEALER FOR INSPECTION BY MANUFACTURER'S REPRESENTATIVE.

STATEMENT OF DISCLAIMER  
The factory warranty constitutes all of the warranties with respect to the sale of this item. The seller hereby expressly disclaims all warranties, either express or implied, including any implied warranty of merchantability or fitness for a particular purpose. Seller neither assumes nor authorizes any other person to assume for it any liability in connection with the sale of this item.

| DESCRIPTION            | TOTALS |
|------------------------|--------|
| LABOR AMOUNT           | 0.00   |
| PARTS AMOUNT           | 0.00   |
| GAS, OIL, LUBE         | 0.00   |
| SUBLET AMOUNT          | 0.00   |
| MISC. CHARGES          | 0.00   |
| TOTAL CHARGES          | 0.00   |
| LESS DEDUCTIBLE        | 0.00   |
| SALES TAX              | 0.00   |
| PLEASE PAY THIS AMOUNT | 0.00   |

STANDARD FORM NO. 1 SERVICE INVOICE (REV. 10-06)

CUSTOMER COPY